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4 In re GREGORY N. MURRAY, AW2377,
5 Plaintiff.

Case No. [22-cv-00102-CRB](#) (PR)

6 **ORDER DIRECTING CLERK TO
CLOSE/TERMINATE ACTION**

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9 On January 7, 2022, the clerk filed as a new action a letter from plaintiff, a prisoner at
10 Mule Creek State Prison (MCSP), seeking appointment of counsel in connection with a pending
11 case in the Eastern District of California. The court notified plaintiff in writing at that time that
12 the action was deficient because plaintiff did not file an actual complaint or pay the requisite
13 \$402.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis
14 (IFP) application. See 28 U.S.C. § 1915(a)(2). The court sent plaintiff blank prisoner complaint
15 and IFP forms and advised him that failure to file the requested items within 28 days would result
16 in dismissal of the action.

17 On January 21, 2022, plaintiff filed a letter clarifying that he is “already in the Eastern
18 Dist[ict] Court, Case No. 2:19-cv-2114-JAM-AC,” and therefore only would like to proceed with
19 the instant case if it’s “a process or possible way to get help” with the pending case in the Eastern
20 District. ECF No. 5 at 1. Because the decision to appoint counsel in plaintiff’s pending case in
21 the Eastern District lies solely with the presiding judge in that case, the court construes plaintiff’s
22 letter as clarifying that he does not (and did not) intend to file a new and separate case from his
23 pending case in the Eastern District.

24 The clerk is directed to close/terminate this action as improvidently opened/filed. No
25 filing fee for this improvidently opened/filed action is due.

26 **IT IS SO ORDERED.**

27 Dated: February 11, 2022


28 CHARLES R. BREYER
United States District Judge